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**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:11-cv-02832-SAS**

Natural Resources Defense Council et al v. United States
Environmental Protection Agency
Assigned to: Judge Shira A. Scheindlin
Cause: 05:552 Freedom of Information Act

Date Filed: 04/27/2011
Date Terminated: 12/21/2011
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Natural Resources Defense Council

represented by **Mitchell S. Bernard**

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Plaintiff

Public Justice

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Jim Hecker
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

John D. Walke
(See above for address)
PRO HAC VICE
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V.

Defendant

**United States Environmental Protection
Agency**

represented by **Natalie Nancy Kuehler**
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Date Filed	#	Docket Text
04/27/2011	<u>1</u>	COMPLAINT against United States Environmental Protection Agency. (Filing Fee \$ 350.00, Receipt Number 1005164)Document filed by Natural Resources Defense Council, Public Justice.(ama) (Entered: 04/28/2011)
04/27/2011		SUMMONS ISSUED as to United States Environmental Protection Agency, U.S. Attorney and U.S. Attorney General. (ama) (Entered: 04/28/2011)
04/27/2011		Magistrate Judge James L. Cott is so designated. (ama) (Entered: 04/28/2011)
04/27/2011		Case Designated ECF. (ama) (Entered: 04/28/2011)
04/27/2011	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Natural Resources Defense Council, Public Justice.(ama) (Entered: 04/28/2011)
05/12/2011	<u>3</u>	NOTICE OF APPEARANCE by Natalie Nancy Kuehler on behalf of United States Environmental Protection Agency (Kuehler, Natalie) (Entered: 05/12/2011)
05/20/2011	<u>4</u>	ORDER FOR ADMISSION PRO HAC VICE, Upon the motion of John D. Walke, attorney for Plaintiffs, and Pursuant to Local Rule 1.3(c) of the United States District Court for the Southern District of New York. John D. Walke is admitted to practice pro hac vice as counsel for Plaintiff in the above-captioned case in the United States District Court for the Southern District of New York. Attorney John D. Walke for Natural Resources Defense Council,John D. Walke for Public Justice admitted Pro Hac Vice. (Signed by Judge Shira A. Scheindlin on 5/19/11) (pl) Modified on 5/24/2011 (pl). Modified on 6/1/2011 (pl). (Entered: 05/24/2011)
05/20/2011	<u>5</u>	ORDER FOR ADMISSION PRO HAC VICE, Upon the motion of Andres Restrepo, attorney for Plaintiffs, and Pursuant to Local Rule 1.3(c) of the United States District Court for the Southern District of New York. Andres Restrepo is admitted to practice pro hac vice as counsel for Plaintiff in the above- captioned case in the United States District Court for the Southern District of New York. (Signed by Judge Shira A. Scheindlin on 5/19/11) (pl) Modified on 5/24/2011 (pl). Modified on 6/1/2011 (pl). (Entered: 05/24/2011)
05/20/2011	<u>6</u>	ORDER FOR ADMISION PRO HAC VICE of John D. Walke on behalf of Plaintiffs. (Signed by Judge Shira A. Scheindlin on 5/19/11) (dj) (Entered: 05/25/2011)

05/25/2011	7	ORDER FOR ADMISSION PRO HAC VICE. IT IS HEREBY ORDERED that Jim Hecker is admitted to practice pro hac vice as counsel for Plaintiff in the above-captioned case in the United States District Court for the Southern District of New York. Attorney Jim Hecker for Natural Resources Defense Council, Jim Hecker for Public Justice admitted Pro Hac Vice. (Signed by Judge Shira A. Scheindlin on 5/25/11) (rjm) Modified on 5/26/2011 (rjm). (Entered: 05/26/2011)
05/31/2011	8	ACKNOWLEDGMENT OF SERVICE. United States Environmental Protection Agency served on 4/27/2011, answer due 6/27/2011. Service was made by Mail. Document filed by Natural Resources Defense Council. (Restrepo, Andres) (Entered: 05/31/2011)
06/01/2011	9	ANSWER to 1 Complaint. Document filed by United States Environmental Protection Agency.(Kuehler, Natalie) (Entered: 06/01/2011)
06/08/2011		CASHIERS OFFICE REMARK on 7 Order Admitting Attorney Pro Hac Vice, in the amount of \$25.00, paid on 05/26/2011, Receipt Number 7713. (jd) (Entered: 06/08/2011)
06/08/2011		CASHIERS OFFICE REMARK on 5 Order Admitting Attorney Pro Hac Vice, 6 Order Admitting Attorney Pro Hac Vice in the amount of \$50.00, paid on 06/01/2011, Receipt Number 8005. (jd) (Entered: 06/08/2011)
06/10/2011	10	ORDER FOR INITIAL PRETRIAL CONFERENCE: Initial Conference set for 7/29/2011 at 04:30 PM in Courtroom 15C, 500 Pearl Street, New York, NY 10007 before Judge Shira A. Scheindlin. (Signed by Judge Shira A. Scheindlin on 6/8/11) (rjm) (Entered: 06/13/2011)
06/10/2011		Case Designated ECF. (rjm) (Entered: 06/13/2011)
07/29/2011		Minute Entry for proceedings held before Judge Shira A. Scheindlin: Initial Pretrial Conference held on 7/29/2011. (lmb) (Entered: 08/05/2011)
08/02/2011	11	SCHEDULING ORDER: October 7, 2011: Plaintiffs shall submit any motions seeking discovery. October 24,2011: Plaintiffs shall submit their motion for summary judgment. November 23, 2011: Defendant shall submit its opposition to Plaintiffs' motion for summary judgment as well as its own cross-motion for summary judgment in a single brief. December 23, 2011: Plaintiffs shall submit their opposition to Defendant's cross-motion for summary judgment and reply to Defendants' opposition in a single brief. January 9, 2012: Defendant shall submit its reply to Plaintiffs' opposition. In the event that Plaintiffs move for discovery by the October 7, 2011 deadline, the summary judgment schedule shall be stayed pending the Court's resolution of the motion. (Motions due by 10/24/2011. Cross Motions due by 11/23/2011. Responses due by 11/23/2011 Replies due by 12/23/2011. Status Conference set for 10/4/2011 at 04:30 PM before Judge Shira A. Scheindlin). (Signed by Judge Shira A. Scheindlin on 7/29/11) (djc) (Entered: 08/02/2011)

08/24/2011	<u>1</u> <u>2</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Natalie N. Kuehler dated 8/22/2011 re: Counsel for the defendant requests an extension of the deadline for the production of documents, from 8/26/2011 to 9/2/2011. ENDORSEMENT: Request granted. The production deadline for the EPA is extended to September 2, 2011. So ordered. (Signed by Judge Shira A. Scheindlin on 8/24/2011) (ft) (Entered: 08/24/2011)
09/07/2011	<u>1</u> <u>3</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Natalie N. Kuehler dated 9/2/2011 re: Counsel for the defendants request a one week extension for their production deadline. ENDORSEMENT: EPA may have one additional week (until September 12) to complete its production. So Ordered. (Signed by Judge Shira A. Scheindlin on 9/6/2011) (ft) (Entered: 09/07/2011)
09/26/2011	<u>1</u> <u>4</u>	REVISED SCHEDULING ORDER: Discovery motion by 10/20/2011. Summary judgment motion due by 11/10/2011. Cross Motions due by 12/12/2011. Responses due by 1/11/2012 Replies due by 1/26/2012. Status Conference set for 10/20/2011 at 04:00 PM before Judge Shira A. Scheindlin. No further extensions will be granted. (Signed by Judge Shira A. Scheindlin on 9/26/2011) (jfe) (Entered: 09/26/2011)
10/20/2011		Minute Entry for proceedings held before Judge Shira A. Scheindlin: Status Conference held on 10/20/2011. (ft) (Entered: 11/08/2011)
11/15/2011	<u>1</u> <u>5</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Andres Restrepo and Natalie Kuehler dated 11/10/2011 re: Counsel requests that the Court remove from the docket all pending filing deadlines related to the merits of this action. Counsel further proposes that the parties report back to the Court by letter on the status of their discussions related to the attorneys' fees issue on December 10, 2011, and if they reach an impasse on that issue, they will respectfully request a schedule for briefing it to the Court. ENDORSEMENT: Request granted. A conference is scheduled for December 9, 2011 at 4:30 p.m. The deadlines for summary judgment briefing are cancelled. (Status Conference set for 12/9/2011 at 04:30 PM before Judge Shira A. Scheindlin.) (Signed by Judge Shira A. Scheindlin on 11/15/2011) (djf) (Entered: 11/15/2011)
12/01/2011	<u>1</u> <u>6</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Natalie N. Kuehler dated 11/30/2011 re: I am writing respectfully on behalf of the parties in the above-referenced Freedom of Information Act ("FOIA") case to request a one-week adjournment of the Court conference currently scheduled for December 9, 2011. ENDORSEMENT: Request granted. Conference adjourned to December 16 at 4 pm. (Status Conference set for 12/16/2011 at 04:00 PM before Judge Shira A. Scheindlin.) (Signed by Judge Shira A. Scheindlin on 12/1/2011) (lmb) (Entered: 12/01/2011)

12/21/2011

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STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL: IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows: 1. EPA's productions fully settle any and all claims Plaintiffs now have or may hereafter acquire against EPA or the United States of America ("United States"), or any department, agency, officer, or employee of EPA and/or the United States, related to or arising out of Plaintiffs' FOIA request at issue in this action. 2. EPA shall pay to the Plaintiffs the sum of \$48,000.00 in attorneys' fees and litigation costs, pursuant to 5 U.S.C. § 552(a)(4)(E), which sum Plaintiffs agree to accept as full payment of any attorneys' fees and costs Plaintiffs have incurred or will incur in this action for services performed up to the date of this stipulation and order. 3. This action is hereby dismissed with prejudice and without costs or fees other than as provided in paragraph 2 of this Stipulation and Order, provided that the Court shall retain jurisdiction over any issues that may arise relating to this Stipulation and Order. 4. The parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect. (Signed by Judge Shira A. Scheindlin on 12/21/2011) (lmb) (Entered: 12/21/2011)

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